

Fresno, California

January 6, 2011

The City Council met in regular session at the hour of 9:00 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Andreas Borgeas	Councilmember
	Lee Brand	Acting Council President
	Mike Dages	Councilmember
	Clinton Olivier	Councilmember
	Cynthia Sterling	Councilmember
	Blong Xiong	Councilmember
	Larry Westerlund	Council President

Mark Scott, City Manager  
Bruce Rudd, Assistant City Manager  
Jim Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Dennis Iida of the Chinese Baptist Church gave the invocation, and Councilmember Sterling led the Pledge of Allegiance.

**APPROVE SPECIAL CLOSED SESSION MINUTES OF DECEMBER 14, 2010**

On motion of Acting President Brand, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of December 14, 2010, approved as submitted.

**APPROVE REGULAR MINUTES OF DECEMBER 16, 2010**

On motion of Councilmember Sterling, seconded by President Westerlund, duly carried, RESOLVED, the minutes of December 16, 2010, approved as amended, on Page 156-177, Paragraph 6 (motion), correcting the "10 cent transit fee" to "10 cent transfer fee".

**APPROVE REDEVELOPMENT AGENCY MINUTES OF DECEMBER 16, 2010**

On motion of Acting President Brand, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of December 16, 2010, approved as submitted.

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**STATEMENTS BY OUTGOING COUNCILMEMBERS CYNTHIA STERLING AND MIKE DAGES**

Councilmember Sterling stated it had been an honor and privilege to serve the city for 25 years in some capacity and see the city grow; spoke to District 3 issues, successes, and improvements that have been made, and the challenges and needs of the district; thanked Mayor Swearingin for transforming the city and taking it to a higher level since she took office; and thanked city staff, her office staff, her council colleagues, and her family for all their support and reiterated it had been an honor serve.

Dezzie Woods Jones, State President of Black Women Organized for Political Action, congratulated the incoming elected officials, and thanked Councilmember Sterling for her service, sacrifice and work for her district and the community and presented her with a floral bouquet. Dr. James Richie, on behalf of the California Central School of Pharmacy, expressed his appreciation for Councilmember Sterling's leadership and support in the effort to move the school forward and presented her with a floral bouquet.

President Westerlund commended Councilmember Sterling for her faithful service, her heart, and for being a tireless advocate for west Fresno, and on behalf of the City Council stated it had been a pleasure and honor to work with her, she would be missed, and presented her with a meeting gavel.

Councilmember Dages stated the past eight years went by very fast and thanked his wife for her support during all his years of service, Councilmember-elect Quintero for all he did for him and for the changes they made in District 5, and Mayor Swearengen for her support for southeast Fresno and her leadership, along with the voters for their support and having faith in him; spoke briefly to the accomplishments he was most proud of and stated the most disappointing was not getting Fancher Creek up and running; and stated it had been a real pleasure to serve the city and thanked everyone.

President Westerlund commended Councilmember Dages for his heart, advocacy and service to his district and the city, and thanked him for his service and presented him with a meeting gavel.

Councilmembers Borgeas, Xiong and Brand thanked Councilmembers Sterling, Dages and Perea for the opportunity to work together, for showing class and dignity throughout the process, and for their passion and friendship stating they would be missed and wished them well.

#### **ADMINISTRATION OF OATHS OF OFFICE AND INSTALLATION OF COUNCILMEMBERS-ELECT BLONG XIONG, OLIVER L. BAINES III, SAL QUINTERO AND CLINTON J. OLIVIER**

President Westerlund stated as goodbyes are being said and new members are welcomed today's activities were a reminder of the democracy that citizens have the opportunity and responsibility to participate in, and stated to serve your community was a true honor but also a sacrifice.

City Clerk Klisch individually administered the Oaths of Office to Councilmembers-elect Xiong, Baines, Quintero and Olivier who each took their seat at the dais.

#### **STATEMENTS BY NEWLY ELECTED COUNCILMEMBERS**

Councilmember Xiong thanked his wife and his family for their support, his office staff for their work stating he was very appreciative of all their efforts, the administration and city staff for the work they do every day and services provided in a collaborative effort, and his constituents for the opportunity and gift to serve (**2 – 0**); thanked General Vang Pao for his leadership within the community and wished him a full recovery noting he was currently in the hospital; and thanked his colleagues and the administration for the opportunity to work together and added he looked forward to working together on the city's challenges for another four years.

Councilmember Baines stated he was beyond humbled for the support received and thanked God for this opportunity and showing him tremendous favor; thanked his wife, daughter and family members for their support and unconditional love; thanked the voters for placing their trust in him stating he would not take that trust for granted; thanked his campaign workers for all their work and support; thanked his friend Cynthia Sterling for her support, advice, and service to District 3 stating she did an amazing job and he appreciated her friendship; stated he looked forward to serving and working with his council colleagues, the administration, the mayor and city staff to solve the city's problems; thanked his fellow workers at the police department for their support and working with him; and stated he was excited about this new challenge and he would work hard and do what is right at all times.

Councilmember Quintero expressed his glory and honor to God for allowing him to keep his promise to Lola, stated it was déjà vu all over again and thanked his family and friends for their support and standing by him, spoke to his campaign experience and stated he listed to what the voters had to say and the job that needed to be done, and expressed his appreciation for this opportunity and pledged to work hard for everyone and for the city to become 'one Fresno' and stated "let's get to work!"

Councilmember Olivier stated this was a special day for a few reasons and thanked his wife for all her love and support along with his family members; thanked his campaign staff and supporters, his council colleagues for their support and help through his learning curve the last 30 days, and the mayor and administration for being patient with him and supportive; stated the last month was a difficult one for him learning on the job and taking on some important issues, there were more to come, and he looked forward to taking on the continuing challenges and difficult issues facing the city in the future; stated he was a newcomer to Fresno but he came to love the city very much and would work hard for his adopted city; and thanked everyone for their love and support and he looked forward to becoming an able public servant.

President Westerlund thanked Councilmembers Xiong, Baines, Quintero and Olivier for their words and welcomed all stating this was a democracy seen every four years.

### **ELECTION OF COUNCIL PRESIDENT**

As council president President Westerlund stated the past year had been a very tough year among years due to the issues council had to deal with and thanked the mayor and administration for all their work and respecting council enough to work together with them which had not been done in the past; thanked the city clerk and city attorney and their staff for all their work and assistance provided him, along with all other administrative and city staff; thanked his office staff, past and present, for all their work; and thanked his colleagues for the opportunity to serve as council president and apologized if he offended anyone at any point in time.

On motion of President Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, Acting President Brand elected Council President, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Olivier, Quintero, Xiong, Westerlund
Noes	:	None
Absent	:	None

President Brand thanked former Council President Westerlund for his service and leadership this past year and on behalf of the City Council presented him with a plaque.

Penny Raven, with the Huntington Boulevard Homeowners Association, presented council members with the Huntington Boulevard calendar.

### **ELECTION OF ACTING COUNCIL PRESIDENT**

On motion of President Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, Councilmember Olivier elected Acting Council President, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

Councilmember Borgeas pointed out, for those who may be unaware, that Council has a rotational process for the council president and acting council president positions which goes from council district to the next council district numerically. Councilmember Borgeas continued and stated the three qualities needed for a good council president were patience, attentiveness and decisiveness and explained, and gave former Council President Westerlund credit for being clearly decisive due to his ability to run meetings smoothly and keep them moving, especially when speakers abuse the 3-minute speaking rule, and commended former President Westerlund for his leadership, for elevating what the council presidency is, and for representing the city council well.

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### **ELECTION OF REDEVELOPMENT AGENCY CHAIR**

A motion of President Brand, seconded by Councilmember Borgeas, to elect Councilmember Xiong as Agency Chair failed, by the following vote:

Ayes	:	Borgeas, Xiong, Brand
Noes	:	Baines, Olivier, Quintero, Westerlund
Absent	:	None

On motion of Councilmember Quintero, seconded by President Brand, duly carried, RESOLVED, Councilmember Westerlund elected Redevelopment Agency Chair, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	:	None

## **ELECTION OF REDEVELOPMENT AGENCY VICE CHAIR**

On motion of Councilmember Borgeas, seconded by Councilmember Westerlund, duly carried, RESOLVED, Acting President Olivier elected Redevelopment Agency Vice Chair, by the following vote:

Ayes	:	Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes	:	None
Absent	;	None

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President Brand announced a reception would be held at this time for outgoing/incoming members and the meeting would resume at 3:00 p.m.

Upon question as to the proper time to continue the 3:00 p.m. item to a future date City Attorney Sanchez clarified there was a Resolution of Intention that set the matter for today at 3:00 p.m. and that would be the time to continue.

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**RECESS – 10:28 A.M. – 3:04 P.M.**

## **ELECTION OF ACTING COUNCIL PRESIDENT (from earlier in the meeting)**

President Brand stated it was brought to his attention that a vote was not taken on the motion earlier in the meeting to elect Councilmember Olivier as Acting Council President but a subsequent check with city clerk staff and a review of the video tape showed a Council vote had been taken electing Councilmember Olivier unanimously.

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**(3:00 P.M.) PUBLIC PROTEST HEARING AND APPROVAL OF ITEMS RELATING TO THE GRANTING OF FRANCHISES TO MID VALLEY DISPOSAL AND ALLIED WASTE**

**#1 BILL FOR INTRODUCTION – GRANTING TO ALLIED WASTE (ALLIED) AND MID VALLEY DISPOSAL (MID VALLEY), EXCLUSIVE FRANCHISES OF SPECIFIC PORTIONS OF THE CITY OF FRESNO FOR THE COLLECTION OF MULTI-FAMILY AND COMMERCIAL SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS WITHIN THE CITY**

**#2 PUBLIC PROTEST HEARING IN ACCORDANCE WITH CHARTER SECTION 1301 RELATED TO THE ABOVE LISTED ORDINANCE AND ADOPTION OF SAME**

President Brand announced the time had arrived to consider the issue, opened the hearing, and made a motion to continue the hearing to January 27, 2011, at 3:00 p.m., which motion was seconded by Councilmember Westerlund.

Upon questions of Councilmember Xiong President Brand stated he made the motion to continue at the request of the mayor, and City Manager Scott stated there was no new information that council had not been briefed on. Councilmember Xiong stated unless there was a legitimate reason to do so he was opposed to the continuing the hearing. Upon question of Councilmember Borgeas City Attorney Sanchez stated a resolution of intention set the process and legislative action was needed to continue the hearing to another date. Councilmember Xiong stated that was understood but people took their time to be here this date, the city manager indicated there was nothing new, and again stated this should not be continued and the matter should be voted upon adding a wrong message was being sent to the public.

\*A roll call vote was taken and City Clerk Klisch announced the motion to continue failed on a 3-4 vote with Councilmembers Baines, Westerlund and President Brand voting “yes”.

Upon question of Councilmember Quintero ACM Rudd stated staff did notify the representative of Local 39 that there was a strong possibility that Council would move forward with a continuance this date.

Councilmember Westerlund stated it was his understanding Councilmember Borgeas voted “yes” on the continuance so the motion passed 4 to 3, with Councilmember Borgeas confirming he did vote “yes”.

\*Chair Brand noted the motion to continue to January 27<sup>th</sup> passed as follows:

Ayes : Baines, Borgeas, Westerlund, Brand  
Noes : Olivier, Quintero, Xiong  
Absent : None

President Brand stated Council would be back on January 27<sup>th</sup> to hear this matter and those who filled out cards to speak this date would be called upon at that time, along with "Unscheduled Oral Communications".

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#### **ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 3:13 p.m. having arrived and hearing no objection, President Brand declared the meeting adjourned.

**Approved** on the \_\_\_13<sup>TH</sup> \_\_\_\_\_ day of \_\_\_ January \_\_\_\_\_, 2011.

\_\_\_\_\_/s/\_\_\_\_\_  
Lee Brand, Council President

ATTEST: \_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk